

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF THE :

DISCIPLINARY PROCEEDINGS
AGAINST

:
:
:
:
:

FINAL DECISION AND ORDER
LS0807101RSG

RICHARD BAILLARGEON,
RESPONDENT.

Division of Enforcement Files: 06 RSG 073

The parties to this action for the purposes of section 227.53 of the Wisconsin statutes are:

Richard Baillargeon
305 Church Street
Denmark, Wisconsin 54208

Department of Regulation and Licensing
Division of Enforcement
Post Office Box 8935
Madison, Wisconsin 53708-8935

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Department. The Department has reviewed this Stipulation and considers it acceptable.

Accordingly, the Department in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Richard Baillargeon (Date of Birth: April 26, 1966) is duly licensed as a Private Security Person in the state of Wisconsin (Permit #108-30269) by the Wisconsin Department of Regulation and Licensing (hereinafter Department). Mr. Baillargeon was issued a Temporary Private Security Permit on January 30, 2006. That Temporary Private Security Permit expired on March 2, 2006. Mr. Baillargeon was issued a regular Private Security Permit on November 7, 2006, and that Permit is current through August 31, 2008. Mr. Baillargeon's last reported address to the Department is 305 Church Street, Denmark, Wisconsin 54208.

2. On or about April 24, 2003, Mr. Baillargeon was convicted in Brown County, Wisconsin Circuit Court of one count of Shoplifting, a Brown County Ordinance violation. A true and correct copy of the Brown County Ordinance Court Citation and Brown County Circuit Court Traffic/Misdemeanor Minutes is attached as Exhibit A. Exhibit A is incorporated by reference into this Order.

3. On or about January 24, 2006, Mr. Baillargeon filed an application with the Department for a Temporary Private Security Permit and for a regular Private Security Permit. On January 30, 2006, the Department issued Mr. Baillargeon a Temporary Private Security Permit.

4. On January 29, 2006, Mr. Baillargeon was arrested in Denmark, Wisconsin for Battery - Domestic Abuse. On January 30, 2006, Mr. Baillargeon was charged by the Brown County, Wisconsin District Attorney's Office with Battery - Domestic Abuse and Disorderly Conduct - Domestic Abuse.

5. As part of the application process the Department conducts a background search prior to the granting

of any Private Security Permit.

6. On February 20, 2006, the Department received information concerning Mr. Baillargeon's 2006 arrest in the course of the background check required of all applicants for a Private Security Permit. On February 28, 2006, the Department sent Mr. Baillargeon a letter requesting that Mr. Baillargeon provide the Department a copy of the incident report and Criminal Complaint concerning the January 29, 2006, incident and arrest. The letter included the language "A determination will be made at a later date concerning your application for a regular permit after the requested information has been received."

7. Mr. Baillargeon did not respond to the February 28, 2006, letter.

8. Mr. Baillargeon's 2003 conviction for shoplifting did not show up on the background check. By the language used on the Application for the Private Security Permit, Mr. Baillargeon was not obligated to note the 2003 conviction on the Application.

9. On March 28, 2006, Mr. Baillargeon was convicted in Brown County Circuit Court of 2 misdemeanor counts of Disorderly Conduct relative to the January 28, 2006, incident and arrest. A true and correct copy of the Criminal Complaint and Judgment of Conviction is attached as Exhibit B. Exhibit B is incorporated by reference into this Order.

10. On October 11, 2006, a security firm inquired on the status of Mr. Baillargeon's private security permit prior to hiring Mr. Baillargeon. During the month of October 2006, the Department received copies of the Criminal Complaint and Judgment of Conviction concerning the January 29, 2006, arrest and incident from Mr. Baillargeon. On November 7, 2006, the Department issued Mr. Baillargeon a regular Private Security Permit.

11. Since November 7, 2006, the Department has learned that in 2003, 2004, 2005 and 2006 Mr. Baillargeon performed security guard duties for Team Security, Inc., 2267 Gingerwood Way, Green Bay, Wisconsin 54313, while unlicensed as private security person. Mr. Baillargeon gave Team Security, Inc., a completed application for a private security person permit, but the Department never received the application.

12. Since November 7, 2006, the Department has learned that for a period of time in 2006, Mr. Baillargeon performed security guard duties for National Liberty Security, Inc., 2432 Leona Drive, Green Bay, Wisconsin 54313, while unlicensed as private security person.

13. The Department first learned of the 2003 Shoplifting conviction in 2007.

14. The Department considers that Mr. Baillargeon's 2003 Shoplifting conviction and 2006 Disorderly Conduct convictions are substantially related to the practice of a private security person.

15. In resolution of this matter, Richard Baillargeon consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Department of Regulation and Licensing has jurisdiction to act in this matter pursuant to Wis. Stat. sec. 227.44(5).

2. By the conduct referred to in above Findings of Fact, Richard Baillargeon has violated:

1. By the conduct described in Findings of Fact paragraphs 11 and 12, Richard Baillargeon has violated Wis. Stat. § 440.26 (1) (a) 2., which provides that no person may act as a private security person unless the person holds a private security permit issued under § 440.26, Stats.

2. By the events described in Findings of Facts paragraphs 2 and 9, Richard Baillargeon is subject to discipline under the provisions of Wis. Stat. § 440.26 (6) (a) 1., which provides that the department may suspend the private security guard permit of any person who has been convicted of a misdemeanor or has been found to have violated any state or local law that is punishable by a forfeiture.
3. By reason of the conduct and events listed in Findings of Fact paragraphs 2, 9, 11 and 12, Richard Baillargeon has engaged in conduct reflecting adversely on professional qualification and is subject to discipline under the provisions of Wis. Stat. § 440.26 (6) (a) 2., and Wis. Administrative Code § RL 35.01.
4. By the events described in Findings of Fact paragraphs 2 and 9, Richard Baillargeon has violated Wis. Administrative Code § RL 35.01 (2).
5. By reason of the conduct and events listed in Findings of Fact paragraphs 2, 9, 11 and 12, Richard Baillargeon has violated the provisions of Wis. Stat. § 440.26 and Wis. Administrative Code § 35.01, and is subject to discipline under the provisions of Wis. Stat. § 440.26 (6) (a) 4.

ORDER

NOW, THEREFORE, **IT IS HEREBY ORDERED** that the private security permit issued to Richard Baillargeon (permit number 108-30269) shall be **suspended for fourteen (14) days** beginning thirty (30) days after the effective date of this Order.

IT IS FURTHER ORDERED that Richard Baillargeon shall pay total costs in the amount of **EIGHT HUNDRED** dollars (\$800.00) in this matter.

Payment shall be submitted in ten (10) \$80.00 installments. The first installment shall be submitted thirty (30) days after the effective date of this Order. The second installment shall then be submitted ninety (90) days after first installment. Each of the remaining eight (8) installments shall be then be submitted on a ninety day (90) schedule.

Payment shall be made by ***certified check or money order***, payable to the Wisconsin Department of Regulation and Licensing and sent to:

Department Monitor
Division of Enforcement
Post Office Box 8935
Madison, Wisconsin 53708-8935
608-261-7904

Mr. Baillargeon shall present a copy of this Stipulation and Final Decision and Order to any private security employer that he may have at the time of the effective date of this Order.

IT IS FURTHER ORDERED that in the event Richard Baillargeon fails to comply with all the terms of the Order as set forth above, the private security permit of Richard Baillargeon (permit number 108-30269) **SHALL BE SUSPENDED**, without further notice or hearing, until Richard Baillargeon has complied with all the terms of this Order.

This Order shall become effective upon the date of its signing.

THE DEPARTMENT OF REGULATION AND LICENSING

By Celia M. Jackson
Secretary

7/10/08

**STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING**

**IN THE MATTER OF THE :
DISCIPLINARY PROCEEDINGS :
AGAINST :**

STIPULATION

LS#08 _____ RSG

**RICHARD BAILLARGEON, :
RESPONDENT. :**

Division of Enforcement Files: 06 RSG 073

It is hereby stipulated between Richard Baillargeon and Claudia Berry Miran, attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of Mr. Baillargeon's licensure by the Division of Enforcement (06 RSG 073). Mr. Baillargeon consents to the resolution of this investigation by Stipulation and without the issuance of a formal complaint.
2. Mr. Baillargeon understands that by signing this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.
3. Mr. Baillargeon has been provided the opportunity to obtain legal counsel prior to signing this Stipulation.
4. Mr. Baillargeon agrees to the adoption of the attached Final Decision and Order by the Department of Regulation and Licensing (Department). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Mr. Baillargeon waives all rights to any appeal of the Department's order, if adopted in the form as attached.
5. If the terms of this Stipulation are not acceptable to the Department, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Enforcement for further proceedings. In the event that the Stipulation is not accepted by the Department, the parties agree not to contend that the Department has been prejudiced or biased in any manner by the consideration of this attempted resolution.
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement may appear before the Department in open or closed session, without the presence of Mr. Baillargeon or Mr. Baillargeon's attorney, for purposes of speaking in support of this agreement and answering questions that the Department may have in connection with the Department's deliberations on the Stipulation.
7. Mr. Baillargeon is informed that should the Department adopt this Stipulation, the Department's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.
8. The Division of Enforcement joins Richard Baillargeon in recommending the Department adopt this Stipulation and issue the attached Final Decision and Order.

Richard Baillargeon

Respondent

305 Church Street

Denmark, Wisconsin 53208

License Number 108-30269

Date

Claudia Berry Miran

Attorney

Division of Enforcement

Post Office Box 8935

Madison, Wisconsin 53708-8935

Date